

ORIGINAL

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FORT WORTH, TEXAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

DEC 16 PM 3:54

U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$30,700.00 IN U.S. CURRENCY

Defendant *In Rem*.

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§  
§  
§  
§  
§

4-10 CV-953-A  
NO.

COMPLAINT FOR FORFEITURE

The United States of America (the Government) files this complaint *in rem* against the Defendant property, to wit, \$30,700.00 in U.S. currency (Defendant property). The Government states:

I.

This Court has subject matter jurisdiction of this cause of action *in rem* by virtue of the provisions of 28 U.S.C. §§ 1345 and 1355(a). The Court has *in rem* jurisdiction because of 28 U.S.C. § 1355(b). Venue is proper under 28 U.S.C. § 1355(b)(1) and 28 U.S.C. § 1395(b).

II.

The statutory bases for this suit are 31 U.S.C. §§ 5317(c)(2), 5313(a), 5316, and 5324. Also applicable are 31 CFR 103, 31 U.S.C. §§ 5316, 18 U.S.C. § 983, and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture

Actions (Supplemental Rules).

III.

On or about April 25, 2010, the Defendant property was seized at the Dallas/Fort Worth International Airport (DFW) in Irving, Texas within the Northern District of Texas. Specifically, a Department of Homeland Security, U.S. Customs and Border Protection (CBP) Officer detained and searched Suneina Patel at the DFW airport pursuant to 31 USC § 5317(b) to ensure compliance with reporting requirement mandated under 31 USC § 5316. The Defendant property was turned over to the CBP on April 25, 2010, for the institution of federal forfeiture proceedings. The Defendant property was deposited into Budget Clearing Account for the CBP in Indianapolis, Indiana on April 28, 2010. On May 26, 2010, proceedings regarding the Defendant property were approved for administrative forfeiture by the CBP.

IV.

This action *in rem* is being brought in the United States District Court pursuant to the provisions of 18 U.S.C. § 983(a)(3)(A), because **Suneina Patel (Patel)** filed a claim to the Defendant property with the CBP on September 17, 2010, after receiving notice, pursuant to 18 U.S.C. § 983(a)(1)(A), of an administrative forfeiture proceeding.

V.

The names and last known addresses of any known possible claimants to the Defendant property are:

Suneina Patel  
2000 E. Marshall Ave.  
Longview Tx 75601

Gurudatt D. Patel  
2000 E. Marshall Ave.  
Longview Tx 75601

Suneina Patel is represented in the CBP administrative forfeiture proceeding against the Defendant property by attorney Rakesh I. Patel, 580 Decker Dr., Suite 260, Irving, TX 75062. Gurudatt Patel did not make a claim in the administrative forfeiture proceeding.

VI.

The Defendant property is subject to forfeiture pursuant to 31 U.S.C. § 5317(c)(2) because it property involved in a violation of 31 USC §§ 5313, 5316, and 5324. Facts justifying forfeiture are more fully set forth in the Verification Affidavit of CBP Officer John Sears, attached hereto and incorporated herein as Exhibit "A."

VII.

WHEREFORE, the Government requests the following:

1. The District Clerk issue a warrant for the arrest of the Defendant property as provided by Title 28, United States Code, Rule G(3)(b)(i) of the Supplemental Rules.
2. The Defendant property be arrested by the Department of Homeland Security, United States Customs and Border Protection, or a designee authorized by law, as provided by Title 28, United States Code, Rule G(3)(c) of the Supplemental Rules.

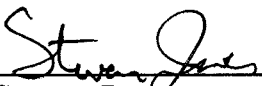
3. Publications of notice of the Complaint for Forfeiture and warrant for arrest of property are made on the official Government Internet forfeiture site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days in accordance with Title 28, United States Code, Rule G(4)(a)(iv)(C) of the Supplemental Rules.
4. All persons having any interest in or right against said Defendant property be advised: (1) by said public notice as required by Title 28, United States Code, Rule G(4)(a) of the Supplemental Rules; or (2) by direct notice on the known possible claimant(s) in paragraph V, as required by Rule G(4)(b) of the Supplemental Rules, to timely file a verified claim identifying the interest or right to the Defendant property in this Court as required by Rule G(5)(a) and 18 U.S.C. § 983(a)(4)(A); and to file an answer to this Complaint for Forfeiture or a motion under Fed. R. Civ. P. 12 in the manner required by the provisions of Rule G(5)(b) of the Supplemental Rules and 18 U.S.C. § 983(a)(4)(B). Further, any person filing a verified claim of interest or right and/or an answer shall serve a copy of same on Steven Jumes, Assistant United States Attorney, c/o Burnett Plaza, Suite 1700, 801 Cherry Street, Unit #4, Fort Worth, Texas 76102-6882.
5. After all proceedings are had on this Complaint for Forfeiture, that the Defendant property be condemned by judgment and order of this Court and declared and decreed forfeited to the United States of America according to law.
6. All costs and expenses incurred by the United States in obtaining the condemnation and forfeiture of the Defendant property be appropriately taxed against any person or

entity who may file a verified claim and answer herein, and/or if more than one person or entity files a verified claim and answer herein be jointly taxed and prorated among them, as the Court deems just and equitable.

7. The United States have such other and further relief, at law or in equity, to which it may show itself justly entitled.

Respectfully submitted,

JAMES T. JACKS  
UNITED STATES ATTORNEY

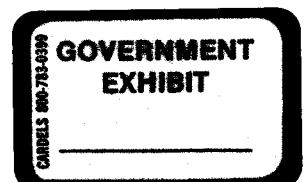
  
\_\_\_\_\_  
**Steven Jumes**  
Assistant United States Attorney  
Texas State Bar Number 00796854  
Burnett Plaza, Suite 1700  
801 Cherry St., Unit 4  
Ft. Worth, Texas 76102  
Telephone: 817.252.5251  
Facsimile: 817.978.3094  
[steve.jumes@usdoj.gov](mailto:steve.jumes@usdoj.gov)

AFFIDAVIT

I, John M. Sears, after being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a U.S. Customs and Border Protection Canine Officer, Department of Homeland Security, currently assigned to the Dallas Office of Field Operations. During my career with CBP, I have taken part in and been involved with numerous criminal investigations, including investigations of the Currency and Monetary Instrument Reporting "CMIR" laws. I have received training during my experience with CBP in conducting CMIR investigations. I am familiar with and have participated in numerous investigations relating to CMIR cases. I have been trained in taking declarations from passengers for outbound currency, and further instructed with respect to taking binding CMIR declarations on official government forms. Further, I have experience in interviewing targets of investigations.
2. I make this verification for and on behalf of the United States of America. The affidavit does not purport to set forth all of my knowledge or investigation concerning this case. I declare under penalty of perjury as provided by 28 U.S.C. § 1746 that I have read the foregoing Complaint for Forfeiture and the facts stated in the Complainant and this declaration are true and correct to the best of my knowledge, information, and belief.



PROPERTY FOR FORFEITURE

3. This declaration is submitted in support of the Complaint for forfeiture filed against \$30,700.00 in U.S. currency (the currency) seized from **Suneina Patel** on April 25, 2010.

LEGAL AUTHORITY FOR FORFEITURE

4. Based on my experience and the information contained in the subsequent paragraphs, I have probable cause to believe the personal property described in paragraph 3 is subject to forfeiture to the United States pursuant to 31 U.S.C. § 5317(c)(2) because the currency was involved in a violation of 31 U.S.C. §§ 5313, 5316 or 5324. These statutes state in pertinent part that:
- a. a person shall file a report when the person knowingly transports, is about to transport, or has transported a monetary instrument of more than \$10,000 out of the United States. 31 U.S.C. § 5316(a)(1)(A);
  - b. no person shall, for the purpose of evading the reporting requirements of 31 U.S.C. § 5316, fail to file a report required by 31 U.S.C. § 5613. 31 U.S.C. § 5324(c)(1);
  - c. no person shall, for the purpose of evading the reporting requirements of 31 U.S.C. § 5316, file a report required by 31 U.S.C. § 5316 that contains a material omission or misstatement of fact. 31 U.S.C. § 5324(c)(2).

Accordingly, based on my training, experience, and the facts set out in this affidavit, I believe the \$30,700 in currency described in paragraph 3 is subject to forfeiture pursuant to 31 U.S.C. § 5317 for violation of 31 U.S.C. §§ 5316 and/or 5324(c).

FACTS SUPPORTING FORFEITURE

5. On Sunday, April 25, 2010, I conducted enforcement operations at the Dallas Fort-Worth International Airport, in Irving, Texas, for KLM airlines flight number 670 to Amsterdam. Suneina Patel (Patel) was ticketed on KLM flight 670 to Amsterdam, with a connecting flight destined to Mumbai, India. Before boarding, an announcement was made, in English, by a KLM gate agent. The KLM gate agent announced that passengers were to report monetary instruments in excess of \$10,000.00 to CBP Officers before boarding KLM flight 670. At around 2:51pm, Patel was selected for currency verification inspection. I asked Patel if she was carrying any currency and, if so, how much. At this point Patel declared \$10,000.00 to me both orally, in well-spoken English, and in writing on a currency reporting form (CBP Form 503). Patel was subsequently directed to the outbound secondary area for a personal search.
6. Afterwards, I asked Patel to place all of her money on a table. Patel complied and initially produced \$10,000.00 in U.S. currency from her purse. Pursuant to 31 USC § 5317(b), Patel and her belongings were searched to ensure compliance with § 5316. Such search showed Patel to be hiding or withholding from declaration a significant amount of currency. Her purse was searched and another \$1,789.00 was discovered. Also, \$9,700.00 was discovered concealed within an envelope tucked into clothing in her carry-on bag. An additional \$10,000.00 was discovered

inside a shoe and Patel was also in possession of ₹2,100 Indian rupees, the equivalent of \$46.00 U.S. dollars.

7. A pat-down search was approved by Supervisory CBP Officer Jason P. Armand. After KLM flight 670 was scheduled to depart, CBP Officer Haiyen Renner conducted a pat-down of Patel and discovered \$20.00 in her right pant leg pocket. CBP Officers ultimately verified a total amount equivalent to \$31,657.00 U.S. dollars. Having observed a violation of 31 USC §§ 5316 and 5324, CBP Officers permitted Patel to keep the equivalent of \$957.00 for herself, to include the ₹2,100 rupees, and seized the remaining \$30,700.00.
8. As part of this investigation Patel's passport information was consulted. Patel's passport indicates that she traveled internationally in 2003 and 2008.

#### CONCLUSION

9. Based on the facts and circumstances set out in the preceding paragraphs; Patel's false statement to me, both orally and in writing, that she had \$10,000.00 when in fact she had more than \$10,000.00, the location of some of the concealed currency, and the oral warning made to travelers prior to my interview, there is probable cause to believe that the subject currency identified in paragraph 3 is subject to forfeiture for a violation of 31 U.S.C. § 5316 because it was involved in a violation of 31 USC §§ 5316

and/or 5324. Therefore, the subject currency is subject to forfeiture pursuant to 31 U.S.C. §§ 5316, 5317, and 5324(c).

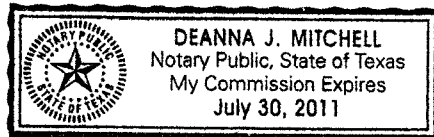
*John M. Sears*

JOHN M. SEARS

Customs and Border Protection Canine Officer  
U.S. Customs and Border Protection

Sworn to and subscribed before me on the 14 day of Dec., 2010.

*Deanna J. Mitchell*  
Notary Public, State of Texas



The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFF**

**UNITED STATES OF AMERICA**

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**DEFENDANT(S)**

**\$30,700.00 IN U.S. CURRENCY**

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT **Indianapolis, IN**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**

**Steven Jumes**  
 United States Attorney's Office  
 1700 Burnett Plaza  
 801 Cherry St., Unit #4  
 Fort Worth, TX 76102  
 817.252.5251; fax 817.978.3094  
 Steve.Jumes@usdoj.gov

**ATTORNEYS (IF KNOWN)**

**4-10 CV-953-A**

**II. BASIS OF JURISDICTION**

(PLACE "X" IN ONE BOX ONLY)

- ☒ **1** U.S. Government Plaintiff  
☐ **2** U.S. Government Defendant  
☐ **3** Federal Question (U.S. Government Not a Party)  
☐ **4** Diversity (Indicate Citizenship of Parties in item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |                                       | PTF                        | DEF                        | PTF   | DEF   |
|---------------------------------------|----------------------------|----------------------------|---|---|
| Citizen of This State                 | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in Another State  | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State              | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Cntry | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

**IV. ORIGIN**

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ **1** Original Proceeding  
☐ **2** Removed from State Court  
☐ **3** Remanded from Appellate Court  
☐ **4** Reinstated or Reopened  
☐ **5** Transferred from another district (specify)  
☐ **6** Multidistrict Litigation  
☐ **7** Appeal to District Judge from Magistrate Judgment

**V. NATURE OF SUIT**

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment at Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability  <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 290 All other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability  <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare  <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury Med Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability  <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability  <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence  <b>Habeas Corpus</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other (including 1983 Actions)	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug. <input type="checkbox"/> 625 Drug Related Seizure of Property 21 U.S.C. 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act.	<input type="checkbox"/> 422 Appeal 28 U.S.C. 158 <input type="checkbox"/> 423 Withdrawal 28 U.S.C. 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SID Title XVI <input type="checkbox"/> 865 RSI (405(g))  <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 U.S.C. 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking  <input type="checkbox"/> 450 Commerce/ICC Rates, etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTE UNLESS DIVERSITY)**

**CIVIL FORFEITURE -- 31 U.S.C. §§5317(c)(2), 5313(a), 5316, and 5324**

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
☐ UNDER F.R.C.P. 23

**DEMAND \$**

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☐ YES ☒ NO

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

**DATE**

**December 16, 2010**

**SIGNATURE OF ATTORNEY OF RECORD**

Steven Jumes, Assistant United States Attorney

*Steven Jumes*